

325  
RECEIVED

DEC 22 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

PEPPER & CORAZZINI, LLP  
ATTORNEYS AT LAW

1776 K STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20006-2334

JOHN F. GARZIGLIA  
EXT. 224  
JFG@COMMLAW.COM

December 22, 2000

(202) 296-0600  
FAX (202) 296-5572  
WWW.COMMLAW.COM

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Amendment of Section 73.202(b)  
Table of Allotments  
Young Harris, Georgia

Dear Ms. Salas:

Transmitted herewith on behalf of Tugart Communications is an original and four copies of its Petition for Rule Making in seeking the allotment of Channel 236A to Young Harris, Georgia.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,



John F. Garziglia

Enclosures

No. of Copies rec'd. 014  
List A B C D E  
MMB

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

RECEIVED

DEC 22 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. _____
Table of Allotments	)	RM- _____
FM Broadcast Stations	)	
(Young Harris, Georgia)	)	

To: Chief, Allocations Branch

**PETITION FOR RULE MAKING**

M. Terry Carter and Douglas Sutton, Jr. d/b/a Tugart Communications, a Georgia Partnership, hereby seek the commencement of a rule making proceeding to allot Channel 236A to Young Harris, Georgia as its first local full-time aural transmission service (Young Harris currently has licensed to it an AM daytime-only station). Tugart Communications hereby states that when the channel is allotted, it will file an application for the channel, and when authorized, promptly construct the proposed facility.

As shown in the attached engineering study, an allotment of Channel 236A to Young Harris, Georgia may be made at reference coordinates of 34°55'59" North Latitude, 83°50'53" West Longitude, which is the center of Young Harris. Young Harris is listed in the U.S. Census with a 1990 population of 604 persons.

This same day, a Withdrawal of Expression of Interest is being filed in MM Docket No. 00-204 in which the allotment of Channel 236A was proposed to Blairsville, Georgia by Tugart Communications. It was discovered belatedly and unexpectedly by

Tugart Communications that line-of-sight service from the available site area for Blairsville could not be provided over the entire community. As Tugart Communications was the only entity filing an expression of interest in MM Docket No. 00-204, and Tugart Communications has filed the appropriate certification pursuant to Section 1.420(j)(1) of the Commissions' Rules, that proceeding should be promptly terminated. At the same time, Tugart Communications respectfully requests that a proceeding be commenced to allot Channel 236A to Young Harris, Georgia.

Respectfully submitted,

**TUGART COMMUNICATIONS**

By:

  
\_\_\_\_\_  
John F. Garziglia  
Its Attorney

Pepper & Corazzini, L.L.P.  
1776 K Street, N.W., Suite 200  
Washington, D.C. 20006  
(202) 296-0600

December 22, 2000

**ENGINEERING EXHIBITS  
IN SUPPORT OF  
PETITION FOR RULE MAKING**

**December 21, 2000**

**Tugart Communications  
FM Channel 236A □ 95.1 Megahertz  
Young Harris, Georgia**



**LAWRENCE L. MORTON ASSOCIATES**  
2867 BELDEN DRIVE  
HOLLYWOOD HILLS, CALIFORNIA 90068-1901  
(323) 467-5010 / FAX (323) 467-5848

## **ENGINEERING STATEMENT**

The information and data contained within this engineering statement were prepared on behalf of Tugart Communications, in support of a Petition for Rule Making. The petitioner proposes to amend the FM Table of Allotments, 47 C.F.R. § 73.202(b) of the Commission's Rules, by allotting Channel 236A to Young Harris, Georgia.

### **I. YOUNG HARRIS, GEORGIA**

Young Harris is a town located within Towns County, Georgia. The 1990 U.S. Census population of Young Harris was 604 persons. The U.S. Census 1999 estimated population of Towns County is 8,800 persons, up 30.3 percent above the 1990 figure.

Young Harris has been assigned Postal ZIP Code 30582 by the U.S. Postal Service. The town has one existing AM daytime-only aural broadcast service. The Bureau of the Census centroid geographic coordinates of Young Harris, referenced to the North American Datum of 1927, are:

North Latitude: 34 degrees, 55 minutes, 59 seconds

West Longitude: 83 degrees, 50 minutes, 53 seconds

From these reference geographic coordinates, Channel 236A is fully-spaced under 47 C.F.R. § 73.207 to all FCC assignments, allotments and proposals contained within the latest *FCC CDBS Database*<sup>1</sup>.

Figures one and two show the relative locations of Towns County within the State of Georgia, and of the community of Young Harris within Towns County. Figure 2 shows also the proposed allotment reference site.

### **II. MINIMUM SPACING REQUIREMENTS**

As required by § 73.207 all minimum distance separation requirements are met from the Channel 236A allotment reference site proposed for Young Harris. All distances were computed by the methods outlined in § 73.208(c)

---

<sup>1</sup>Tugart Communications is withdrawing contemporaneously with this filing its pending *Petition for Rule Making* for Channel 236A at Blairsville, Georgia, MM Docket No. 00-204, RM-9983.

of the Commission's Rules and were rounded to the nearest kilometer in accordance with § 73.208(c)(8).

### **III. CONCLUSIONS**

The results of this study demonstrate that the FM Table of Allotments in § 73.202(b) of the Commission's Rules may be amended in technical compliance with all applicable spacing rules. Therefore, the Petitioner, Tugart Communications, respectfully requests the following change to the Table:

<u>PRESENT</u>	
<u>CITY</u>	<u>CHANNEL</u>
Young Harris, GA	—

<u>PROPOSED</u>	
<u>CITY</u>	<u>CHANNEL</u>
Young Harris, GA	236A

The petitioner asserts that, upon allotment of Channel 236A to Young Harris and the lifting of the present freeze on new applications, an application for construction permit to build a new Class A facility will be filed promptly to serve Young Harris, Georgia.

**Respectfully Submitted,**

**Lawrence L. Morton, P.E.  
Consulting Engineer to the Petitioner  
December 21, 2000**

State of Georgia

Atlantic Ocean

CENTER OF MAP:

N LAT 32° 46' 28.00"

W LON 82° 04' 19.00"

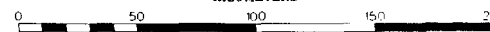
Scale 1 : 3,067,709

FIGURE 1

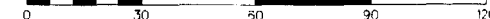
COUNTY OF TOWNS  
STATE OF GEORGIA

TUGART COMMUNICATIONS

KILOMETERS



STATUTE MILES



**LAWRENCE L. MORTON ASSOCIATES**  
Telecommunications Engineers  
Hollywood Hills, California

5' 00'' Graticule Spacing

